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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/712,154

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Erol Bozak

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EXAMINER

KISS, ERIC B

ART UNIT

PAPER NUMBER

2192

MAIL DATE

DELIVERY MODE

05/13/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/712,154	Applicant(s) BOZAK ET AL.	
	Examiner Eric B. Kiss	Art Unit 2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20080205</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 5, 2008, has been entered. Claims 1-7 are pending.

Response to Arguments

2. Applicant's arguments, see pp. 8-10, filed February 5, 2008, with respect to the rejection(s) of claim(s) 1-3 under 35 U.S.C. §112 have been fully considered and are persuasive. Therefore, the rejections have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly discovered prior art.

3. Applicant's arguments with respect to claims 4-7 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. App. Pub. No. 2002/0019844 (Kurowski et al.) and U.S. Pat. App. Pub. No. 2004/0268293 (Woodgeard).

Regarding claim 1, *Kurowski et al.* discloses:

requesting the second inferior computer, by the superior computer, to install the first application and execute the first application (see, e.g., paragraph [0061] (client receives a task from the task server));

transferring one or more files to the second inferior computer (see, e.g., paragraph [0061] (client receives a task from the task server); paragraph [0092] (application modules are downloaded));

modifying the second inferior computer to install and execute the first application on the second inferior computer and recording the modifications, wherein modifying comprises allocating a resource to the first application (see, e.g., paragraph [0156] (a part of the memory is allocated to the application));

halting the first application on the second inferior computer (see, e.g., paragraph [0147]);

reversing a portion of the modifications to the second inferior computer according to the recorded modifications, wherein reversing comprises deallocating the resource from the first application (see, e.g., paragraph [0157]); and

re-modifying the second inferior computer to install and execute a second application on the second inferior computer and recording the re-modifications, wherein the re-modifying comprises allocating the resource to the second application (see, e.g., paragraph [0158]).

Although *Kurowski et al.* discloses a grid computing environment (see, e.g., paragraph [0062]) but fails to expressly disclose querying a first inferior computer, by a superior computer, to locate a second inferior computer in the network in which to install a first application and to execute the first application, *Woodgeard* teaches a grid computing environment including a job submission service and resource discovery services (see, e.g., paragraphs [0019], [0020], [0028]) running on a third computer (see, e.g., FIG. 1), and testing for pre-conditions prior to processing (accessing a list... comprising information regarding allocatable resources...) (see, e.g., paragraphs [0038] through [0040]). Therefore, it would have been further obvious to one of ordinary skill in the art at the time the invention was made to implement such additional grid processing involving a third computer as per the further teachings of *Woodgeard* in order to gain the advantages of the disclosed decentralized resource management approach taught by *Woodgeard*.

Regarding claim 2, *Kurowski et al.* further discloses the modifications comprising at least one of setting a communications port or saving the one or more files to a data storage device accessible to the second computer (see, e.g., paragraph [0156] (saving the files making up the application to the local hard disk of the client computer)).

Regarding claim 3, *Kurowski et al.* further discloses the first and second applications having a respective type and the method further comprising:

comparing the second application type to the first application type and to the at least one other application type (see, e.g., paragraphs [0154] and [0158] (a locally cached version of the computation module is used if available)); and

if at second application has the same type as either the first application or the at least one other application, reverse a portion of the modifications and allocating the resource without re-modifying the second computer to install and execute the second application (see, e.g., paragraphs [0154] and [0158] (a locally cached version of the computation module is used if available)).

Regarding claim 4, *Kurowski et al.* discloses a network comprising:

a first computer comprising a first application manager that manages a first application (see, e.g., paragraph [0061] (client receives a task from the task server)); and

a second computer comprising a service (see, e.g., paragraph [0061] (client receives a task from the task server); paragraph [0092] (application modules are downloaded)), wherein the service, upon request from the first application manager, installs and executes a first application by making modifications to the second computer to install and execute the first application on the second computer (see, e.g., paragraph [0156]) while recording the modifications (see, e.g., paragraph [0259] (settings and state are stored in files)), wherein the modifications comprise allocating a resource to the first application manager (see, e.g., paragraph [0156] (a part of the memory is allocated to the application)).

Kurowski et al. further discloses a grid computing environment (see, e.g., paragraph [0062]), but fails to expressly disclose the first and second computers comprising a grid manager. However, *Woodgeard* teaches a similar grid computing environment including the use of grid managers at the plurality of grid nodes (see, e.g., paragraph [0018] and Fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

utilize such grid managers as a known means of implementing grid processing through a decentralized resource management scheme.

Further, *Kurowski et al.* fails to expressly disclose a third computer comprising a third grid manager for communicating only with the first grid manager, the second grid manager, and a second set of the plurality of computers in the network, wherein the third grid manager accesses a list before communicating the request from the first application manager to the second computer, and the list comprises information regarding resources on the second computer and the second set of the plurality of computers that are allocatable to the first application manager. However, *Woodgeard* further teaches a grid computing environment including a job submission service and resource discovery services (see, e.g., paragraphs [0019], [0020], [0028]) running on a third computer (see, e.g., FIG. 1), and testing for pre-conditions prior to processing (accessing a list... comprising information regarding allocatable resources...) (see, e.g., paragraphs [0038] through [0040]). Therefore, it would have been further obvious to one of ordinary skill in the art at the time the invention was made to implement such additional grid processing involving a third computer as per the further teachings of *Woodgeard* in order to gain the advantages of the disclosed decentralized resource management approach taught by *Woodgeard*.

Regarding claim 5, *Kurowski et al.* further discloses the service, upon request from the first application manager, being configured to:

halt the first application on the second computer (see, e.g., paragraph [0147]);

reverse a portion of the modifications to the second computer according to the recorded modifications, reversing comprises deallocating the resource from the first application manager (see, e.g., paragraph [0157]); and

make re-modifications to the second computer to install and execute a second application on the second computer while recording the re-modifications, wherein the re-modifications comprise allocating the resource to a second application manager (see, e.g., paragraph [0158]).

Regarding claim 6, *Kurowski et al.* further discloses the re-modifications comprising at least one of setting a communications port or saving the one or more files to a data storage device accessible to the second computer (see, e.g., paragraph [0156] (saving the files making up the application to the local hard disk of the client computer)).

Regarding claim 7, *Kurowski et al.* further discloses the first and second applications having a respective type and the network is further configured to:

compare the second application type to the first application type and to the at least one other application type (see, e.g., paragraphs [0154] and [0158] (a locally cached version of the computation module is used if available)); and

if at second application has the same type as either the first application or the at least one other application, reverse a portion of the modifications and allocating the resource without re-modifying the second computer to install and execute the second application (see, e.g., paragraphs [0154] and [0158] (a locally cached version of the computation module is used if available)).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric B. Kiss whose telephone number is (571) 272-3699. The Examiner can normally be reached on Tue. - Fri., 7:00 am - 4:30 pm. The Examiner can also be reached on alternate Mondays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tuan Dam, can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eric B. Kiss/
Eric B. Kiss
Primary Examiner, Art Unit 2192